

# MANDATE

## United States Court of Appeals For the First Circuit

No. 06-2312

KEVIN NORRIS,  
Petitioner, Appellant,

v.

STEVEN O'BRIEN, SUPERINTENDENT,  
NORTH CENTRAL CORRECTION INSTITUTE,  
Respondent, Appellee.

Before

Boudin, Chief Judge,  
Torruella and Lynch, Circuit Judges.

### JUDGMENT

Entered: October 3, 2007

After careful review of the record, we deny petitioner's application for a certificate of appealability (COA) because no reasonable jurist could debate the correctness of the district court's ruling that petitioner's federal habeas petition was untimely and not warranting equitable tolling of the limitations period. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000) (holding that, to obtain a COA, petitioner must show both that the soundness of the procedural ruling is debatable and that the constitutional claim is colorable).

Accordingly, the application for a COA is denied, and the appeal is terminated.

Certified and Issued as Mandate  
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

                      
Deputy Clerk

Date: 1/26/07

By the Court:

Richard Cushing Donovan, Clerk.

By: MARGARET CARLE

Chief Deputy Clerk.

[cc: Kevin Norris, Jonathan M. Ofilos, Esq.]